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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,757	06/25/2003	Takehiro Kanou	5258-000019	2165

27572 7590 04/06/2005

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,757

Applicant(s)

KANOU, TAKEHIRO

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-10 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, line 2 is vague and indefinite as it is inconsistent with the preamble of the claim which claims "An installation structure for a vehicle mounted unit" which denotes an intended use of the vehicle mounted unit; however applicant then recites "comprising a vehicle mounted unit including..." which denotes a positive claim to the vehicle mounted unit. Consequently it is not clear whether applicant is claiming the vehicle mounted unit as part of the installation structure or not as in the intended usage language "for" a vehicle mounted unit. Further, claim 1, "a lower position" on line 10 or "a side position" on line 11 is vague and indefinite as it is not clear as to "a lower position" of what element and similarly, "a side position" of what element.

Further claim 9 is vague as to whether applicant is claiming the combination of the structure with the vehicle body since claim 1 sets forth an intended use "adapted to be installed on a standing wall surface of an interior of the body". However, claim 9, recites a positive connection between the claimed article "bolts" secured to "the standing wall surface" which is not claimed per se. Such language is inconsistent with claim 1. If applicant does not intend to claim the standing wall surface then the

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language "bolts **adapted** to be secured perpendicularly to the standing wall surface" would have been more appropriate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Battig et al (US publication no. 20030106982). Battig discloses an installation structure comprising a vehicle mounted unit (10) including at least two brackets (12, figure 1c), a bolt through-hole (28, figure 2a) formed in each bracket, and the vehicle-mounted unit adapted to be installed in an interior of a vehicle body by inserting supporting bolts into the bolt through-holes and screwing a threaded-bore member (36, figure 3a) onto each of the supporting bolts, a slide passage (16, 26, figure 1c) in each of the brackets extending from an outer periphery of the bracket to the bolt through-hole to laterally guide the supporting bolt; and each of the slide passages formed so that the vehicle-mounted unit can be detachable supported on each of the supporting bolts in a direction perpendicular to an axis of the supporting bolt; wherein an opening of one slide passage at an outer periphery of the one bracket faces in a direction different from an

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opening of the other slide passage at an outer periphery of the other bracket; wherein the slide passages are formed in straight-line configurations; wherein the vehicle-mounted unit is attached to a standing wall surface by two brackets, the one slide passage (26, figure 1c) is opened at a lower position in the one bracket, and the other slide passage (16, figure 1c) is opened at a side position of the other bracket; wherein the supporting bolts are stud bolts secured perpendicularly to a wall surface in an interior of a vehicle body. *Battig does disclose the angle between passages as preferably perpendicular or 90 degrees (page 2, paragraph [0020], lines 14-16).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Battig et al (US publication no. 20030106982) in view of Welch (US patent no. 3,894,377). Battig disclosed all the claimed features of applicant's invention except for the slide passage inner periphery has resilient tabs at opposite side edges and a latch flange at the periphery of the bolt through-hole. Welch teaches a bracket (figure 5) for receiving a screw (30) wherein the bracket has a slide passage inner periphery with resilient tabs (66 and 68, figure 5) at opposite side edges and a latch flange (52, 78, figure 1) at the periphery of the bolt through-hole for engaging the shaft of the screw for locking the bracket to the screw. It would have been obvious to one of ordinary skill in

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the art to have modify the slide passageway and bolt through-hole periphery of Battig by providing resilient tabs and latch flange therein for locking the bracket with the bolt as taught by Welch.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Battig et al (US publication no. 20030106982). Battig disclosed all the claimed features of applicant's invention except for having a second vehicle mounted unit attached to the surface opposite the first vehicle mounted unit. It would have been an obvious matter of design choice to mount an additional vehicle-mounted unit opposite the first vehicle mounted unit. Such mounting of additional unit does not provide unexpected results.

Response to Arguments

Applicant's arguments filed 12/30/2004 have been fully considered but they are not persuasive. Applicant argues that Battig nor Ochi reference shows the passages are perpendicular. The Ochi rejection has been removed. However, Battig clearly indicated that the passages "alpha" angle is preferred at 90 degrees or perpendicular (*page 2, paragraph [0020], lines 14-16*).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
March 29, 2005